

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AARON T. PAYNE,  
Petitioner

v.

RON BROOMFIELD,  
Respondent.

Case No. [20-cv-07617-JST](#)

**ORDER OF DISMISSAL**

On October 19, 2020, Petitioner, an inmate at San Quentin State Prison, filed this *pro se* action seeking a writ of habeas corpus. ECF No. 1. On March 29, 2021, the Court reviewed the petition and found that it did not adequately plead an Eighth Amendment claim, failed to state the habeas claim with sufficient specificity, and failed to adequately allege that there were no conditions of confinement that could adequately prevent an Eighth Amendment violation. ECF No. 5. The Court granted Petitioner leave to amend the petition, and informed Petitioner that the failure to file an amended petition in the time provided would result in the dismissal of this action without prejudice and without further leave to amend. *Id.* The deadline to file an amended petition has passed, and Plaintiff has not filed an amended petition. Accordingly, this petition is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and for failure to comply with the Court's March 29, 2021 order. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: October 8, 2021

  
JON S. TIGAR  
United States District Judge